

AMENDATORY SECTION (Amending Order 94-45, filed 3/9/95, effective 4/9/95)

WAC 173-06-120 Delegation. ~~((1) The authority delegated hereby includes the authority to:~~

~~(a) Act on behalf of the department in the administration of programs and all other duties assigned the department; and~~

~~(b) Approve or deny engineering reports, plans and specifications, or amendments thereto, required to be submitted to the department.~~

~~Delegated powers include, but are not limited to, the authority to issue orders, directives or decisions reviewable before appropriate administrative or judicial bodies. The delegation established by this rule shall be effective when the person to whom delegation is made has been issued a letter from the director authorizing him or her to act for the department with respect to the specifics set forth in such letter.~~

~~(2) Whenever an individual is delegated the authority to approve or deny engineering reports, plans and specifications, or amendments thereto, such approval or denial must be based on engineering services provided by a registered professional engineer in accordance with current state law.~~

~~(3) Any person who has been properly designated to serve in a temporary or acting capacity for an employee who has been delegated authority under this rule shall have the same delegated authority as the individual permanently holding the position.~~

~~(4) In the absence of a person who has been delegated authority by the director, managers senior to that person may perform the delegated functions in accordance with their letters of authorization.~~

~~(5) In addition to the delegation provided for in the preceding subsections, the director may, under special circumstances, delegate in writing specific signature authority to any department employee.~~

~~(6) The authority delegated in this rule is limited to the power to act for the department in carrying out functions within the power of the department, and shall not be construed to authorize acts which are contrary to law or beyond the authority of the department.))~~ (1) Consistent with their assigned duties and responsibilities, department employees are delegated authority to act on behalf of the director and department in the administration of programs and all other duties assigned to the department.

(2) The department shall, by formal policy, specify the extent of signature authority for department employee positions whose assigned duties and responsibilities include authority to take formal action on behalf of the director and/or the department, including, but not limited to, the issuance of penalties, orders, directives, permits, or other decisions reviewable before appropriate administrative or judicial bodies. Such policy may specify the extent of signature authority for department employee positions whose assigned duties and responsibilities include authority to take other action on behalf of the director and/or department. Such policies may be amended as appropriate. Copies of this policy shall be available for public review upon request.

(3) For department employees whose assigned duties and responsibilities include authority to approve or deny reports, plans and specifications, or amendments thereto, prepared by a registered professional, such approval or denial must be based on services provided by a similarly registered professional in accordance with state law.

(4) Any department employee whose assigned duties and responsibilities include signature authority to act on behalf of the director and/or department, may not delegate any such authority to an employee that he or she supervises unless such additional delegation is provided for in a written delegation letter. The written delegation letter shall be signed by the employee granting delegation and the employee receiving delegation. A department employee receiving such delegation shall not further delegate authority, except as provided in subsection (5) of this section. Each written delegation letter shall also include the position number of the employee receiving delegation. Unless rescinded, authority granted by a written delegation letter remains in effect as long as the employee delegated authority retains the same position number. A copy of each written delegation letter shall be maintained in a file within the department program in which the employee receiving delegation is assigned. Employees granting delegation pursuant to this provision may, upon written notification to the employee receiving delegation, rescind delegation at any time. A copy of each letter rescinding delegation shall be maintained in a file within the department program in which the employee rescinding delegation is assigned. An employee granting delegation pursuant to this paragraph does not relinquish his or her delegated authority to act on the behalf of the director or the department.

(5) In addition to the delegation described in subsection (4) of this section, any department employee whose assigned duties and responsibilities include signature authority to act on behalf of the director and/or department, may designate another department employee to serve in a temporary or acting

capacity. Any employee properly designated to serve in a temporary or acting capacity shall have the same delegated authority as the department employee permanently holding the position, unless the delegation letter provides otherwise. Proper designation to serve in temporary or acting capacity for a position shall consist of a letter to the individual assuming temporary or acting capacity from the employee who permanently serves in the position or from the director. A department employee receiving such delegation shall not further delegate authority.

(6) During the absence of an employee delegated authority pursuant to this rule, employees responsible for supervising the absent employee may perform the absent employee's delegated functions.

(7) The authority delegated in this rule is limited to the power to act for the department in carrying out functions within the power of the department, and shall not be construed to authorize acts which are contrary to law or beyond the authority of the department.

(8) Nothing in this chapter shall preclude the director from delegating in writing specific signature authority to any employee of the department nor in any way limit the authority of the director to act on behalf of the department.